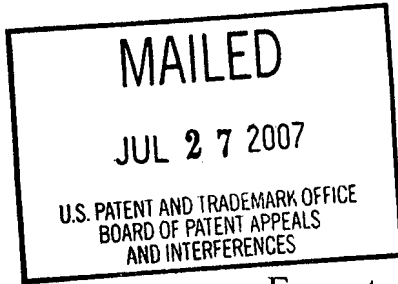


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte KARL BURGESS, DAVID JONES and CLAIRE ROBINS

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Application No. 10/690,116

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences (BPAI) on July 14, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On June 5, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page no. 3, section (8), the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that three U.S. patents (Compa et al., Miller and Hirota et al.,) are relied upon in the examiner's § 103(a) rejections of the appealed claims.

Before further review, the examiner must mail a PTOL-90 that will include an amended Evidence Relied Upon section, that list the above references and any other evidence relied upon by the Examiner in the

rejection(s) of the appealed claims. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02(A)(8). Appropriate correction is required.

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- a) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- b) for such further action as may be appropriate

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: *Patrick J. Nolan*

PATRICK J. NOLAN

Deputy Chief Appeals Administrator  
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PJN/vsh

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